

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

|                        |   |                          |
|------------------------|---|--------------------------|
| TYE A. SECHRIST,       | ) |                          |
|                        | ) |                          |
| Petitioner,            | ) |                          |
|                        | ) |                          |
| v.                     | ) | Case No. CIV-24-00503-JD |
|                        | ) |                          |
| RANDY HARDING, Warden, | ) |                          |
|                        | ) |                          |
| Respondent.            | ) |                          |

**ORDER**

Before the Court is the Report and Recommendation issued by United States Magistrate Judge Amanda Maxfield Green on June 20, 2024. [Doc. No. 6]. Judge Green previously ordered Petitioner Tye A. Sechrist to cure deficiencies by June 14, 2024, and warned that failure to comply with her order may result in the dismissal of the action. *See* Order of May 24, 2024 [Doc. No. 5]. Petitioner did not comply or file anything further with the Court, and he has had over a month to cure deficiencies.

Judge Green recommends that the Court dismiss pro se Petitioner’s Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254 (“Petition”) [Doc. No. 1] without prejudice for failure to comply with the order of May 24, 2024. Judge Green advised Petitioner of his right to object to the Report and Recommendation by July 11, 2024, and that failure to timely object to the Report and Recommendation would waive appellate review of the findings and recommendations in the Report and Recommendation.

“[A] party’s objections to the magistrate judge’s report and recommendation must be both timely and specific to preserve an issue for de novo review by the district court or

for appellate review.” *United States v. 2121 E. 30th St.*, 73 F.3d 1057, 1060 (10th Cir. 1996). By not objecting to a magistrate judge’s report and recommendation, a party waives the right to challenge the legal and factual basis for the magistrate judge’s decision. *See Ayala v. United States*, 980 F.2d 1342, 1352 (10th Cir. 1992) (holding that the plaintiffs “waived their right to appeal the magistrate’s ruling” because they did not file any objections); *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991) (“Our waiver rule provides that the failure to make timely objection to the magistrate’s findings or recommendations waives appellate review of both factual and legal questions.”). Here, Petitioner did not object to the Report and Recommendation, did not request an extension of time to object, and has not filed anything since the issuance of the order of May 24, 2024, or the Report and Recommendation of June 20, 2024.

With no objection, and upon its review of the record, the Court ACCEPTS the Report and Recommendation [Doc. No. 6] in full and DISMISSES the Petition without prejudice. The Court also DENIES a certificate of appealability under Rule 11 of the Habeas Rules.

IT IS SO ORDERED this 15th day of July 2024.



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JODI W. DISHMAN  
UNITED STATES DISTRICT JUDGE